

"(2) if the Secretary enters into a lease under paragraph (1) for at least 40 years, renovate the facilities to the extent needed.

"(c) **SELF-DETERMINATION CONTRACTS FOR STAFFING AND OPERATION.**—The Secretary of Health and Human Services, acting under section 102 of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450f], may contract with the Tanana Chiefs Conference to staff and operate the facilities leased under subsection (b), without a request of an Indian tribe, and without regard to the definition and proviso in section 4(l) of that Act [25 U.S.C. 450b(1)]."

SUBCHAPTER III—INDIAN YOUTH PROGRAMS

§ 2433. Emergency shelters

[See main edition for text of (a) to (d)]

(e) Authorization

(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters or half-way houses to provide emergency care for Indian youth, there is authorized to be appropriated \$5,000,000 for the fiscal year 1989 and \$3,000,000 for each of the fiscal years 1990, 1991, and 1992.

[See main edition for text of (2)]

(3) The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting or available for grants pursuant to the Indian Self-Determination Act [25 U.S.C. 450f et seq.].

(4) Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—

(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or halfway¹ houses described in subsection (a) of this section to serve the needs of that Indian tribe or tribal organization, and

(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a) of this section.

(5) Nothing in this chapter² may be construed—

(A) to limit the authority for contracts with, or grants to, Indian tribes or tribal organizations under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way houses, or

(B) to require a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this chapter or any other Act.

(As amended Pub. L. 101-272, Apr. 18, 1990, 104 Stat. 137.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (e)(3), (5)(A), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to subchapter II (§ 450f et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

This chapter, referred to in subsec. (e)(5), was in the original "this Act" and was translated as reading "this subtitle", meaning subtitle C of title IV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-137, as amended, known as the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, which is classified generally to this chapter, to reflect the probable intent of Congress. For complete classification of subtitle C to the Code, see Short Title note set out under section 2401 of this title and Tables.

AMENDMENTS

1990—Subsec. (e)(1). Pub. L. 101-272, § 1(1), inserted ", or purchase or lease of land or facilities for," after "renovation of".

Subsec. (e)(3). Pub. L. 101-272, § 1(2), inserted "or available for grants" after "subject to contracting".

Subsec. (e)(4), (5). Pub. L. 101-272, § 1(3), added pars. (4) and (5).

SUBCHAPTER VI—INDIAN ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND REHABILITATION

§ 2474. Indian Health Service youth program

[See main edition for text of (a)]

(b) Treatment centers or facilities

[See main edition for text of (1) and (2)]

(3) Notwithstanding any other provision of this chapter, the Secretary may, from amounts allocated to the Alaska area from funds appropriated pursuant to this section, make funds available to the Tanana Chiefs Conference, Incorporated, for the purpose of maintaining a residential youth treatment facility in Fairbanks, Alaska.

[See main edition for text of (c) to (e)]

(As amended Pub. L. 101-630, title V, § 509(a), Nov. 28, 1990, 104 Stat. 4567.)

AMENDMENTS

1990—Subsec. (b)(3). Pub. L. 101-630 added par. (3).

CHAPTER 27—TRIBALLY CONTROLLED SCHOOL GRANTS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2008a, 2019, 3207 of this title; title 20 section 2711.

§ 2503. Grants authorized

(a) In general

[See main edition for text of (1) and (2)]

(3) [See main edition for text of (A) and (B)]

(C) If funds allocated to a tribally controlled school under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 [20

¹ So in original. Probably should be "half-way".

² See References in Text note below.

U.S.C. 2701 et seq.), the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], or any Federal education law other than title XI of the Education Amendments of 1978 [25 U.S.C. 2001 et seq.] are included in a grant provided under this chapter, a portion of the grant equal to the amount of the funds allocated under such law shall be expended only for those activities for which funds provided under such law may be expended under the terms of such law.

[See main edition for text of (b) to (g)]

(As amended Pub. L. 102-119, § 26(f), Oct. 7, 1991, 105 Stat. 607.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a)(3)(C), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

AMENDMENTS

1991—Subsec. (a)(3)(C). Pub. L. 102-119 substituted “Individuals with Disabilities Education Act” for “Education of the Handicapped Act”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2008, 2504 of this title.

§ 2504. Composition of grants

(a) In general

The grant provided under this chapter to an Indian tribe or tribal organization for any fiscal year shall consist of—

[See main edition for text of (1)]

(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 450j of this title, or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to all those referenced under section 1126(d) of the Education Amendments of 1978 [25 U.S.C. 2006(d)], or any other law), and

(3) the total amount of funds provided under—

(A) chapter 1 of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et seq.],

(B) the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], and

(C) any other Federal education law,

that are allocated to such schools for such fiscal year.

(b) Special rules

[See main edition for text of (1)]

(2) In the allocation of funds provided under—

(A) chapter 1 of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et seq.],

(B) the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], and

(C) any other Federal education law,

that are distributed through the Bureau, tribally controlled schools for which grants are provided under this chapter shall be treated as Bureau schools.

(3)(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) shall be subject to the provisions of this chapter and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

(i) chapter 1 of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et seq.],

(ii) the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], or

(iii) any Federal education law other than title XI of the Education Amendments of 1978 [25 U.S.C. 2001 et seq.].

[See main edition for text of (B)]

(4) Notwithstanding the provision of paragraph 2503(a)(2) of this title, with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under such paragraph (a)(2),² the grantee shall maintain a separate account for such funds and shall, at the end of the period designated for the work covered by the funds received, render a separate accounting of the work done and the funds used to the Secretary. Funds received from these accounts may only be used for the purposes for which they were appropriated and for the work encompassed by the application or submission under which they were received. Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of funds: *Provided*, That such period may be extended upon mutual agreement.

(As amended Pub. L. 101-301, § 5(g), May 24, 1990, 104 Stat. 209; Pub. L. 102-119, § 26(f), Oct. 7, 1991, 105 Stat. 607.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsecs. (a)(3)(B) and (b)(2)(B), (3)(A)(ii), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

AMENDMENTS

1991—Subsecs. (a)(3)(B), (b)(2)(B), (3)(A)(ii). Pub. L. 102-119 substituted “Individuals with Disabilities Education Act” for “Education of the Handicapped Act”.

1990—Subsec. (a)(2). Pub. L. 101-301, § 5(g)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “to the extent requested by such

¹ So in original. Probably should be “section”.

² So in original. Probably should be “section 2503(a)(2)”.

Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and other facilities accounts for such schools for such fiscal year under section 1126(d) of the Education Amendments of 1978 or under any other law, and”.

Subsec. (b)(4). Pub. L. 101-301, § 5(g)(2), added par. (4).

§ 2508. Application with respect to Indian Self-Determination and Education Assistance Act

(a) Certain provisions to apply to grants

All provisions of sections 5, 6, 7, 104, 109, and 110¹ of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450c, 450d, 450e, 450i, 450m, 450n] except those provisions pertaining to indirect costs and length of contract, shall apply to grants provided under this chapter.

[See main edition for text of (b) to (e)]

(As amended Pub. L. 101-301, § 5(b), May 24, 1990, 104 Stat. 207.)

REFERENCES IN TEXT

Section 110 of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450n], referred to in subsec. (a), was renumbered section 111 of that Act by Pub. L. 100-472, title II, § 206(b), Oct. 5, 1988, 102 Stat. 2295, without a corresponding amendment to this section.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-301 substituted “104” for “105”.

CHAPTER 28—INDIAN EDUCATION PROGRAM

SUBCHAPTER I—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

§ 2604. Applications for grants; conditions for approval

[See main edition for text of (a) to (d)]

(e) Auditing; penalties for false information

(1) [See main edition for text of (A) and (B)]
(C) No local educational agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit that relate to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act¹ [20 U.S.C. 241aa et seq.].

[See main edition for text of (2) and (3)]

(As amended Pub. L. 101-301, § 5(c), May 24, 1990, 104 Stat. 207.)

REFERENCES IN TEXT

The Indian Elementary and Secondary School Assistance Act, referred to in subsecs. (d)(4) and (e)(1)(C), is title III of act Sept. 30, 1950, ch. 1124, as added by Pub. L. 92-318, title IV, § 411(a), June 23, 1972, 86 Stat. 335, as amended, which was classified

generally to subchapter III (§ 241aa et seq.) of chapter 13 of Title 20, Education, and was repealed by Pub. L. 100-297, title V, § 5352(1), Apr. 28, 1988, 102 Stat. 414.

AMENDMENTS

1990—Subsec. (e)(1)(C). Pub. L. 101-301 amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “No local educational agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit conducted before April 28, 1988, that—

“(i) relate to the date of completion, or the date of submission, of any forms used to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act, and

“(ii) are the subject of any administrative or judicial proceeding pending on April 28, 1988.”

SUBCHAPTER II—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

§ 2624. Gifted and talented

[See main edition for text of (a) and (b)]

(c) Additional grants

[See main edition for text of (1) to (3)]

(4) In providing grants under paragraph (1), the Secretary shall—

[See main edition for text of (A)]

(B) ensure that a definition of the term “gifted and talented student” for purposes of this section and section 2008(c)(3)(A)(i) of this title is developed as soon as possible.

[See main edition for text of (5) to (7); (d) and (e)]

(As amended Pub. L. 101-301, § 5(d)(2), May 24, 1990, 104 Stat. 208.)

AMENDMENTS

1990—Subsec. (c)(4)(B). Pub. L. 101-301 substituted “section 2008(c)(3)(A)(i)” for “section 2008(c)(4)(A)(i)”.

SUBCHAPTER IV—PROGRAM ADMINISTRATION

§ 2641. Office of Indian Education

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SUBCHAPTER V—MISCELLANEOUS

§ 2651. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2604, 2902 of this title.

¹ See References in Text note below.